

REMARKS

Claims 1-3, 5-13, 15-22, and 24-28 are pending.

35 U.S.C. § 103 Rejections

Claims 1-3, 5-13, 15-22, and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panofsky et al. (2002/0161476A1), hereinafter referred to as "Panofsky," in view of Nielsen et al. (2002/0099658A1), hereinafter referred to as "Nielsen." For the reasons set forth below, the Applicants respectfully submit that the embodiments of the present invention recited in amended Claims 1, 10, and 20 are not neither taught nor suggested by Panofsky alone or in combination with Nielsen.

Claim 1 recites, a vending machine having "a display device coupled with said bus, said display device displaying an emulation of an operating system used by said portable computer system." Claims 10 and 20 recite similar claim limitations. The Applicants respectfully submit an emulation of the operating system used by a portable computer system, as recited in Claims 1, 10, and 20 of the present invention, is neither taught nor suggested by Panofsky alone, or in combination with Nielsen.

The rejection states that Panofsky fails to explicitly disclose the display device displaying an emulation of a portable computer system. The Applicants further

assert that Panofsky does not teach or suggest utilizing a software emulator of any sort, much less displaying an emulation of an operating system used by a portable computer system as recited in Claims 1, 10, and 20 of the present invention.

The Applicants respectfully submit that Nielsen fails to overcome the shortcomings of Panofsky. Specifically, Nielsen also fails to teach or suggest displaying an emulation of an operating system used by a portable computer system. Instead, Nielsen teaches an ATM which uses a Wireless Access Protocol browser to emulate the web browser operable on a user's portable device. For example, Nielsen teaches in paragraph 74:

The ATM application program 82 includes a mobile portal software component 84 in the form of a WAP emulation component which is embedded within the ATM application 82. For simplicity, hereinafter the WAP emulation component will be referred to as a WAP component. The WAP emulation component is similar to both a WAP browser and a WAP emulation program that is used to present wireless mark-up language (WML) files on PC displays.

Nielsen further teaches in paragraph 75:

Thus, the WAP component only links to the mobile portal 30, and to content provided thereon. In addition, the WAP component 84 interfaces with the ATM application 82 so that functions that are conventionally selected using keys on a phone may be selected using keys on the ATM keypad 54, of FDKs 53, or an ATM touchscreen.

In other words, Nielsen teaches using a WAP emulation component on ATM 12 to enable displaying WML files upon the ATM. As a result, the ATM is used as a web browsing device rather than the user's portable device (e.g., a cellular telephone)

to access the user's mobile portal. The Applicants respectfully submit that the WAP emulation component (e.g., an emulation of a web browsing application) taught by Nielsen does not teach or suggest an emulation of the operating system used by a portable computer system as recited in Claims 1, 10 and 20 of the present invention. Accordingly, there is no reasonable expectation that a combination of the apparatus of Panofsky and the web browser of Nielsen would result in the emulation of the operating system as recited in Claims 1, 10, and 20 of the instant application.

The operating system emulation recited in Claims 1, 10, and 20 of the present invention facilitates testing an application program to determine whether it is compatible with the operating system used on the portable computer system prior to actually downloading the application program onto the portable computer system. As an example, this can prevent the operating system of the portable computer system from "locking up" due to being incompatible with the application program downloaded from the software dispensing vending machine. Nielsen does not teach or suggest that the web browser emulator would provide this capability either alone, or when combined with the apparatus of Panofsky. Additionally, there is no suggestion in either Panofsky or Nielsen of the need for a component which emulates the operating system of a portable computer system.

The Applicants respectfully submit that the determination of obviousness cannot be based on the hindsight combination of components selectively culled from the prior art to fit the parameters of the present invention. There must be teaching or suggestion within the prior art to select the particular elements, and to combine them in the way they were combined by the inventors. Neither Panofsky nor Nielsen teach or suggest an emulation of an operating system of any sort which is displayed by a software dispensing vending machine, or the need thereof. Accordingly, the Applicants respectfully submit that the present invention, as recited in Claims 1, 10, and 20, is not anticipated or rendered obvious by Panofsky alone or in combination with Nielsen and that the rejections under 35 U.S.C. § 103(a) are overcome.

The Applicants respectfully submit that Nielsen teaches away from the present invention in paragraph 99 which states:

...so that the ATM can access a mobile portal and provide a user with personalized WAP content on the ATM in a style and format similar to that provided on a cellphone but with an improved user interface.

Nielsen further teaches in paragraph 92:

From Paul's perspective, screen 130 is very similar to screen 111 (FIG. 5), so that Paul experiences the same personalized look form the mobile portal when using the ATM 12 as when using his cellphone 34. The main difference between screens 130 and 111 is that on screen 130, the FDKs 53 may be used to navigate.

Thus, the Applicants respectfully submit that Nielsen teaches displaying an improved interface for a device running a browser application. Therefore, the Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest the claim limitations recited in Claims 1, 10, and 20 of the present invention. Accordingly, the Applicants respectfully submit that Claims 1, 10, and 20 overcome the rejection under 35 U.S.C. § 103(a).

Claim 2 depends from Claim 1 and recites additional limitations descriptive of embodiments of the present invention. The Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest a networked software dispensing vending machine which displays an emulation of an operating system used by a portable computer system and which has a wireless communications interface for communicating with the portable computer system. Accordingly, the Applicants respectfully submit that Claim 2 also overcomes the rejection under 35 U.S.C. § 103(a).

Claim 3 depends from Claim 1 and recites additional limitations descriptive of embodiments of the present invention. The Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest a networked software dispensing vending machine which displays an emulation of an operating system used by a portable computer system and which receives additional software from a remote

network server for storage on a memory unit of the software dispensing vending machine. Accordingly, the Applicants respectfully submit that Claim 3 also overcomes the rejection under 35 U.S.C. § 103(a).

Claim 5 depends from Claim 1 and recites additional limitations descriptive of embodiments of the present invention. The Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest a networked software dispensing vending machine which displays an emulation of an operating system used by a portable computer system and which communicates a backup configuration of the portable computer system to a remote network server. Accordingly, the Applicants respectfully submit that Claim 5 also overcomes the rejection under 35 U.S.C. § 103(a).

Claim 6 depends from Claim 1 and recites additional limitations descriptive of embodiments of the present invention. The Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest a networked software dispensing vending machine which displays an emulation of an operating system used by a portable computer system and which restores the configuration of the portable computer system using a backup configuration. Accordingly, the Applicants respectfully submit that Claim 6 also overcomes the rejection under 35 U.S.C. § 103(a).

Claim 7 depends from Claim 1 and recites additional limitations descriptive of embodiments of the present invention. The Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest a networked software dispensing vending machine which displays an emulation of an operating system used by a portable computer system and which displays an emulated version of the portable computer system. Accordingly, the Applicants respectfully submit that Claim 7 also overcomes the rejection under 35 U.S.C. § 103(a).

Claim 8 depends from Claim 1 and recites additional limitations descriptive of embodiments of the present invention. The Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest a networked software dispensing vending machine which displays an emulation of an operating system used by a portable computer system and which archives an inactive software program for the portable computer system on a remote network server. Accordingly, the Applicants respectfully submit that Claim 8 also overcomes the rejection under 35 U.S.C. § 103(a).

Claim 9 depends from Claim 1 and recites additional limitations descriptive of embodiments of the present invention. The Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest a networked software dispensing

vending machine which displays an emulation of an operating system used by a portable computer system and which facilitates transmitting an updated version of a software program from a remote network server to the portable computer system. Accordingly, the Applicants respectfully submit that Claim 9 also overcomes the rejection under 35 U.S.C. § 103(a).

Claim 11 depends from Claim 10 and recites additional limitations descriptive of embodiments of the present invention. The Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest a software dispensing vending machine which displays an emulation of an operating system used by a portable electronic device and which has a wireless communications interface for communicating with the portable electronic device. Accordingly, the Applicants respectfully submit that Claim 11 also overcomes the rejection under 35 U.S.C. § 103(a).

Claim 12 depends from Claim 10 and recites additional limitations descriptive of embodiments of the present invention. The Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest a software dispensing vending machine which displays an emulation of an operating system used by a portable electronic device and which further comprises a network interface for communicating with a remote network server. Accordingly, the Applicants

respectfully submit that Claim 12 also overcomes the rejection under 35 U.S.C. § 103(a).

Claim 13 depends from Claim 10 and recites additional limitations descriptive of embodiments of the present invention. The Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest a software dispensing vending machine which displays an emulation of an operating system used by a portable electronic device and which receives additional software from a remote network server for storage on a memory unit of the software dispensing vending machine. Accordingly, the Applicants respectfully submit that Claim 13 also overcomes the rejection under 35 U.S.C. § 103(a).

Claim 15 depends from Claim 10 and recites additional limitations descriptive of embodiments of the present invention. The Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest a software dispensing vending machine which displays an emulation of an operating system used by a portable electronic device and which transmits a backup configuration of the portable electronic device to a remote network server. Accordingly, the Applicants respectfully submit that Claim 15 also overcomes the rejection under 35 U.S.C. § 103(a).

Claim 16 depends from Claim 10 and recites additional limitations descriptive of embodiments of the present invention. The Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest a software dispensing vending machine which displays an emulation of an operating system used by a portable electronic device and which restores a portable electronic device using a backup configuration. Accordingly, the Applicants respectfully submit that Claim 16 also overcomes the rejection under 35 U.S.C. § 103(a).

Claim 17 depends from Claim 10 and recites additional limitations descriptive of embodiments of the present invention. The Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest a software dispensing vending machine which displays an emulation of an operating system used by a portable electronic device and which displays an emulated version the portable electronic device using a backup configuration. Accordingly, the Applicants respectfully submit that Claim 17 also overcomes the rejection under 35 U.S.C. § 103(a).

Claim 18 depends from Claim 10 and recites additional limitations descriptive of embodiments of the present invention. The Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest a software dispensing vending machine which displays an emulation of an operating system used by a

portable electronic device and which stores an inactive software program for the portable electronic device upon a remote network server. Accordingly, the Applicants respectfully submit that Claim 18 also overcomes the rejection under 35 U.S.C. § 103(a).

Claim 19 depends from Claim 10 and recites additional limitations descriptive of embodiments of the present invention. The Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest a software dispensing vending machine which displays an emulation of an operating system used by a portable electronic device and which facilitates updating a version of a software program on the portable computer system. Accordingly, the Applicants respectfully submit that Claim 19 also overcomes the rejection under 35 U.S.C. § 103(a).

Claim 21 depends from Claim 20 and recites additional limitations descriptive of embodiments of the present invention. The Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest a networked device for dispensing software which displays an emulation of an operating system used by a portable electronic device and which has a wireless communications interface for communicating with a hand held computer system. Accordingly, the Applicants respectfully submit that Claim 21 also overcomes the rejection under 35 U.S.C. § 103(a).

Claim 22 depends from Claim 20 and recites additional limitations descriptive of embodiments of the present invention. The Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest a networked device for dispensing software which displays an emulation of an operating system used by a portable electronic device and receives additional software from a remote network server for storage on a memory unit of the networked device. Accordingly, the Applicants respectfully submit that Claim 22 also overcomes the rejection under 35 U.S.C. § 103(a).

Claim 24 depends from Claim 20 and recites additional limitations descriptive of embodiments of the present invention. The Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest a networked device for dispensing software which displays an emulation of an operating system used by a portable electronic device and which facilitates storing a backup configuration of the hand held computer system on a network. Accordingly, the Applicants respectfully submit that Claim 24 also overcomes the rejection under 35 U.S.C. § 103(a).

Claim 25 depends from Claim 20 and recites additional limitations descriptive of embodiments of the present invention. The Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest a networked device for

dispensing software which displays an emulation of an operating system used by a portable electronic device and which restores a hand held computer system using a backup configuration. Accordingly, the Applicants respectfully submit that Claim 25 also overcomes the rejection under 35 U.S.C. § 103(a).

Claim 26 depends from Claim 20 and recites additional limitations descriptive of embodiments of the present invention. The Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest a networked device for dispensing software which displays an emulation of an operating system used by a portable electronic device and which displays an emulated version of the hand held computer system using a backup configuration. Accordingly, the Applicants respectfully submit that Claim 26 also overcomes the rejection under 35 U.S.C. § 103(a).

Claim 27 depends from Claim 20 and recites additional limitations descriptive of embodiments of the present invention. The Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest a networked device for dispensing software which displays an emulation of an operating system used by a portable electronic device and which facilitates storing on a network, an inactive software program transmitted by the hand held computer system. Accordingly, the

Applicants respectfully submit that Claim 27 also overcomes the rejection under 35 U.S.C. § 103(a).

Claim 28 depends from Claim 20 and recites additional limitations descriptive of embodiments of the present invention. The Applicants respectfully submit that neither Panofsky nor Nielsen teach or suggest a networked device for dispensing software which displays an emulation of an operating system used by a portable electronic device and which facilitates transmitting an updated version of a software program to a hand held computer system. Accordingly, the Applicants respectfully submit that Claim 28 also overcomes the rejection under 35 U.S.C. § 103(a).

CONCLUSION

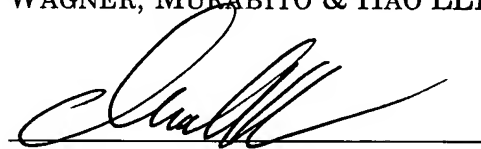
Based on the arguments presented above, the Applicants respectfully assert that Claims 1-3, 5-13, 15-22, and 24-28 overcome the rejections of record and, therefore, the Applicants respectfully solicit allowance of these Claims.

The Applicants have reviewed the reference cited but not relied upon. The Applicants did not find this reference to show or suggest the present claimed invention: "How Computers Work," "How Networks Work," "How the Internet Works."

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Date: 2/11/2005

Respectfully submitted,
WAGNER, MURABITO & HAO LLP



Anthony C. Murabito
Reg. No. 35,295

Two North Market Street
Third Floor
San Jose, California 95113
(408) 938-9060